

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID B. TRACEY *et al.*,

Plaintiffs,

v.

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY *et al.*,

Defendants.

No. 1:16-cv-11620-NMG

JOINT MOTION TO SET CLASS ACTION SETTLEMENT FAIRNESS HEARING¹

In accordance with Rule 23(e) of the Federal Rules of Civil Procedure and following the Court's granting of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Settlement, Doc. 295, the parties respectfully request that the Court schedule a Fairness Hearing to consider (a) any objections from Class Members to the parties' Settlement Agreement; (b) Class Counsel's petition for Attorneys' Fees and Costs and Class Representatives' Compensation; and (c) whether to finally approve the parties' Settlement. Several deadlines in the Settlement Agreement are based on the date of the Fairness Hearing, including but not limited to the deadline for the Settlement Administrator to send Settlement Notices to Class Members, the deadline for Former Participants to submit Claim Forms, and the deadline for Class Members to file any objections to the Settlement. Doc. 290-1. The Fairness Hearing must accordingly be set to move forward with the Settlement.

A proposed order setting the Fairness Hearing is attached hereto as **Exhibit A**. The proposed order contains a placeholder for the date of the Fairness Hearing in paragraph two and a placeholder for the deadline by which Former Participant Claim Forms must be filed in paragraph seven. *Id.* Given the interim deadlines that must be accommodated before final approval of the Settlement can be granted (which deadlines relate to the mailing of Settlement

¹ All capitalized terms used in this motion have the meanings ascribed to them in the Parties' Settlement Agreement. Those definitions are incorporated herein by reference.

Notices, the filing of any objections, and the Independent Fiduciary's review of the Settlement, among other things), the parties request that the Fairness Hearing **not be scheduled before May 24, 2020.**

WHEREFORE, the parties respectfully request that the Court issue an Order setting a date for the Fairness Hearing.

Dated: February 3, 2020

Respectfully submitted,

/s/ Jerome J. Schlichter

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 3, 2020.

/s/ Jerome J. Schlichter